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TAGS: [PREL](#) [PGOV](#) [EUN](#) [EI](#)  
SUBJECT: IRELAND'S 2008 LISBON REFORM TREATY REFERENDUM:  
THE BATTLE FOR EUROPE'S FUTURE

Classified By: DCM ROBERT FAUCHER, FOR REASONS 1.4 (B) AND (D)

#### SUMMARY

1. (SBU) Ireland's unique position as the only European Union (EU) member state compelled to hold a national referendum on the recently agreed Lisbon Reform Treaty puts great pressure on the Irish Government to secure a strong positive vote for the Treaty. The public and most political parties remain strong supporters of the EU - Ireland's economy and international political clout have been boosted significantly by EU integration - however the Government does not intend to take success for granted. It plans to mount a strong campaign in support of the Lisbon Treaty that will ensure a good public turnout in the referendum, defeat Euro-skeptic arguments against the Treaty, and guarantee that Ireland will continue to play a constructive role in the EU. If supporters of the Lisbon Treaty stay focused and achieve a high voter turnout, the Treaty is likely to pass. If Irish voters turn down the Lisbon Treaty, as they did initially for the Nice Treaty in 2001, and almost did for the Single Europe Act (SEA) in 1987, Irish voters will deliver a blow from which the European project will not easily recover. End summary.

#### CONSTITUTION REQUIRES A REFERENDUM

2. (U) The need for public referenda in Ireland to ratify most EU treaties stems from a 1987 Irish Supreme Court decision (Crotty v. An Taoiseach), which established that significant changes to the EU Treaty framework require an amendment to the Irish Constitution before they can be ratified by the Government. Article 46 of the Irish Constitution dictates that a proposed amendment to the Constitution must be passed in both houses of the Irish Parliament then endorsed by the public by a simple majority. The Irish Constitution has been amended on five occasions as a result of referenda on European affairs.

#### BAD MEMORIES OF NICE

3. (SBU) The Irish Government will approach the Lisbon Treaty with the specter of the public's shock 2001 rejection of the Nice Treaty foremost in its mind. Despite the Irish electorate's broad support of the EU, 54 percent of voters rejected the Nice Treaty. The failure was largely blamed on the Government, which did little to campaign in favor of the Nice Treaty or to press voters supportive of the EU to turn out to vote; voter turnout was only 35 percent. "No" (Anti-Nice) campaigners, by contrast, were

energized and turned out in high numbers. Caitriona Doyle, an official in the Department of Foreign Affairs (DFA) EU Division theorized that most Irish citizens took the Nice Treaty for granted and that Ireland's economic success made it easy to be complacent. Other observers maintain that the 2001 "no" vote was more a protest vote against Ireland's ruling administration than a vote on the Nice Treaty itself. After the Irish Government secured a face-saving protocol and engaged in a more vigorous and high-profile campaign in 2002, Ireland passed the Nice Treaty with 63 percent approval. There has not been another EU-related referendum in Ireland since then.

#### GOVERNMENT PREPARING PUBLIC INFORMATION CAMPAIGN

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¶4. (C) So far, the Government has done little to prepare for the referendum, focusing instead on Lisbon Treaty negotiations. However, Doyle stressed, the Government's attention will now turn in earnest to the campaign. John Callinan, Assistant Secretary General for European and International Affairs in the Department of the Taoiseach (Prime Minister), told the Embassy that, while the Government has not made any official decisions on the referendum, preparations would begin soon, timed toward a referendum between May and September 2008. (Doyle noted that a referendum in July or August, however, was not likely as Irish citizens take their summer holidays during these months.) The mechanics of a campaign require the referendum to be called a minimum of 30 days before the vote, at which point both sides will be in full campaign mode.

¶5. (C) Irish law forbids the Government from campaigning

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exclusively and explicitly in favor of the Lisbon Treaty: the Irish Supreme Court has ruled that equal Government resources on such referenda should be dedicated to both sides of an issue. Callinan noted that this ruling will present a practical problem for the Government in rolling out a "public information" campaign. Funds will be used to collect and disseminate information about the Lisbon Treaty under the Government's constitutional duty to inform, Callinan noted, leading to a somewhat delicate situation. "We're not allowed to campaign," he declared, "nonetheless, the campaign will be on."

¶6. (C) Doyle indicated that the information campaign will be led by the DFA, which will print up "educational" pamphlets on the EU. The campaign will rely on communicating the broad benefits of EU membership, she said, including the economic benefits, practical effects like lower-cost air travel, and the international leverage afforded a small country like Ireland by being a member of the EU. She indicated that the Government will pitch the Lisbon Treaty as the culmination of a process that has been good for Ireland, noting that the campaign will be about selling Ireland's place in Europe, rather than about the Lisbon Treaty's individual institutional provisions. The key, she stated, will be the campaign's message that the EU will be more effective - and bring even greater benefits to Ireland - with the institutional changes. She said the Government would likely emphasize that Ireland will be left behind if the referendum does not pass - a point that Irish European Commissioner Charlie McCreevey publicly argued in October.

#### LISBON TREATY SUPPORT APPEARS FIRM

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¶7. (U) On the whole, the Irish public and politicians appear broadly supportive of the EU and the Lisbon Treaty. The 2007 Eurobarometer survey - taken before the June 2007 EU summit - pointed out that 76 percent

of Irish citizens believe membership in the EU is a good thing and 86 percent believe Ireland has benefited from EU membership. The Eurobarometer noted that 62 percent of the Irish public also favored the draft European Constitution, although a high number - 23 percent - said they were not sure. The poll also indicated that a majority of the Irish public supports joint EU decision-making in energy, defense, foreign affairs, environmental issues, competition, agriculture, and immigration.

¶8. (SBU) Most of the Irish political parties are strong supporters of the EU and are inclined to support the Lisbon Treaty. Prime Minister (Taoiseach) Bertie Ahern's Fianna Fail fully backs the Lisbon Treaty, having secured the necessary opt-outs (paras 11 - 12). His coalition partners, the Progressive Democrats, are likely to do the same, albeit perhaps with reservations expressed in the past about concerns that the EU curtails the free market in Europe. Fine Gael, the largest opposition party, is, if anything, more pro-EU than Fianna Fail and strongly supported the European constitution, although opposition leaders have sniped at the Government by arguing that Parliament has had few opportunities to exercise oversight over the Lisbon Treaty negotiations.

¶9. (C) The Green Party has opposed every European Treaty in the past, but is now part of the governing coalition, which will increase pressure on the Greens to support the Lisbon Treaty. New Green Party leader John Gormley has publicly called for a dignified and respectful dialogue over the Lisbon Treaty, and Green Minister Eamon Ryan publicly said in September that he was in favor of the Treaty. The fact that the EU is taking a more outspoken stance on environmental issues may encourage the Greens to support the Lisbon Treaty. The outcome of a vote at the Green Party's annual conference in November will indicate where the party stands. (Comment: A significant party split over the Lisbon Treaty could emerge from the conference. End comment.)

¶10. (U) Aspirations to increase workers' rights are written into the EU's Charter of Fundamental Rights, which the Lisbon Treaty gives binding legal force. This will likely encourage the Labor Party to support the Treaty. John Monks, General Secretary of the European Confederation of Trade Unions, publicly argued recently that Irish workers will benefit if the Lisbon Treaty is ratified. For its part, Sinn Fein has declared its opposition to the Lisbon Treaty, though Sinn Fein's influence in Parliament has declined somewhat following its loss of one seat

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in the May general elections.

OPTING OUT OF JUSTICE AND HOME AFFAIRS

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¶11. (SBU) As part of its strategy to gain public support for the Lisbon Treaty, the Irish Government secured an opt-out from the justice and home affairs (JHA) provisions of the Treaty, including policing, civil and criminal law, immigration, and asylum - features that are designed to tackle crime on a cross-border basis. The Government argued that because Ireland and the United Kingdom (UK) share a common travel area and a common law system, which differs from much of the continent, Ireland was forced to follow the UK in opting out, despite concerns that the opt-out would cripple Irish influence on European-wide JHA matters. The Irish Government hopes that the opt-out will neutralize one anti-Treaty argument: crime is one of the few issues where the Irish public prefers national Government primacy to joint decision-making between the Government and the EU, according to

Eurobarometer. Nonetheless, Irish officials have stated that, despite the JHA-related opt-out, Ireland will opt-in to JHA schemes, such as police cooperation, to the fullest extent possible.

¶12. (SBU) Irish officials anticipate that other anti-EU arguments, which surfaced in the Nice Treaty referenda, will also need to be addressed head-on during the Lisbon Treaty campaign. For example, the anti-Nice campaign persuaded many voters that Nice's support for joint EU action on defense would compromise Ireland's independent foreign policy, and drag the nation into war despite its declared policy of neutrality. Other concerns included claims that national authority over financial decisions (especially taxation) would be diminished. These issues are likely to surface again during the Lisbon Treaty referendum, especially in light of the Lisbon Treaty's solidarity clause and current moves to use reinforced cooperation to achieve a common corporate tax rate.

GETTING THE MESSAGE ACROSS REMAINS THE KEY  
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¶13. (SBU) The crucial elements in passing the referendum will likely be whether the Government can animate the pro-Lisbon Treaty campaign, communicate a clear message about the importance of affirming the Treaty, and counteract the misinterpretations about the Treaty's effects on important issues to the Irish public (such as Ireland's neutrality). In short, the Government needs to galvanize the Yes vote to defeat the far fewer - but more determined - Lisbon Treaty opponents. The real opposition, Callinan noted, is public apathy, adding that the Government is keenly aware of this threat.

¶14. (U) A recent Irish Times poll indicated that the Government has much work to do. The poll, conducted on October 29 and 30 found that 62 percent of those polled didn't know how they would vote in the referendum or had no opinion; 25 percent said they would vote yes; while 13 percent indicated they would vote no. Commenting just after the poll was released, Foreign Minister Dermot Ahern declared that Lisbon Treaty supporters had no room for complacency. Concurrently, Prime Minister Bertie Ahern told the New York Times that he was not surprised at the high percentage of undecided voters, which, he said, indicated that the Government must work hard to explain why the Lisbon Treaty is in the best interests of both Ireland and Europe.

¶15. (SBU) The credibility of the Government writ large may also affect the referendum's passage. The Government will work to separate the issue of the Lisbon Treaty from any number of other national and local issues. Opponents of the current administration, or disaffected members of the public, will likely try to turn the referendum into an opportunity to once again express unhappiness about the Government's handling of such issues as the slowing economy, rising crime, or the ongoing Mahon Tribunal investigation into allegations of scandal surrounding Prime Minister Bertie Ahern. Many observers are dismissive of concerns about an anti-Lisbon protest vote, however, noting that economic insecurity is rising throughout Ireland and that voters will not likely risk jeopardizing recently hard-won improvements in their quality of life.

The Battle for Europe's Future

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¶16. (C) Prime Minister Ahern told the New York Times on November 10 that the debate in Ireland would stretch far beyond Ireland's shores. He said that his Government

expects significant resources to be poured into the No campaign from abroad, asserting that opponents of the European Union will see the Irish vote as a proxy for the national debates they are not able to undertake in their own countries. Callinan indicated that the Government will be urging the EU not to do anything in coming months that could strengthen the No vote (such as early discussion of reform of the Common Agriculture Policy, which remains very popular in Ireland). However, in the end, Callinan predicted, Irish voters will be alienated by foreign meddling in the referendum. Only slightly tongue-in-cheek, he said that many Lisbon Treaty supporters are hoping that divisive anti-EU campaigners, such as Jean Marie Le Pen of France, will make frequent trips to Ireland during the months ahead.

COMMENT

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¶17. (C) The stakes are high. If the referendum fails, Ireland could deliver a devastating blow to the European Project, from which -- following the disastrous Dutch and French "no" votes on the EU Constitutional Treaty -- the Project might never fully recover. Failure would also mean that Ireland's influence in the EU would be eroded as well, making Ireland - which largely aligns itself with the U.S. on issues of democracy, human rights, and regional security - less effective as an advocate of policies within the EU that dovetail with U.S. interests. The Government is taking the referendum campaign seriously and has the time to make its case that the Lisbon Treaty is worth supporting. If supporters of the Lisbon Treaty stay focused and achieve a high voter turnout, the Treaty is likely to pass. End comment.

FOLEY